

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KARRE CHRISTINE O'DELL,

Defendant.

8:22CR36

ORDER

This matter is before the Court on defendant Karre Christine O'Dell's ("O'Dell") Motion to Suppress (Filing No. 29) all evidence found (1) "during a warrantless search of her hotel room and rental car" and (2) "in a storage locker after a subsequent search as the warrant was predicated on fruit of the poisonous tree." *See Wong Sun v. United States*, 371 U.S. 471, 487-88 (1963) (explaining that evidence obtained by exploiting an illegal search should be excluded). In O'Dell's view, the searches by law enforcement in this case violated her rights under the Fourth Amendment to the United States Constitution. *See* U.S. Const. amend. IV.

The Court referred O'Dell's motion to a magistrate judge¹ for initial review pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Criminal Procedure 59(b)(1). After an evidentiary hearing, the magistrate judge issued a Findings and Recommendation (Filing No. 46) recommending the Court deny O'Dell's motion. The magistrate judge determined the warrantless entry into O'Dell's hotel room did not violate her Fourth Amendment rights and thus none of the challenged evidence was improperly obtained.

O'Dell timely objected to the magistrate judge's underlying findings and final recommendation (Filing No. 51). The government maintains O'Dell was justifiably

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.

evicted from her hotel room based on video evidence that she had stolen another guest's wallet from the front desk and thus no longer had a reasonable expectation of privacy at the time of the search.

After careful de novo review of O'Dell's objections and the balance of the record in this case, *see* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3), the Court finds O'Dell's motion to suppress should be denied. The Court agrees with the magistrate judge that the searches of O'Dell's hotel room, car, and storage locker did not—in these circumstances—violate the Fourth Amendment.

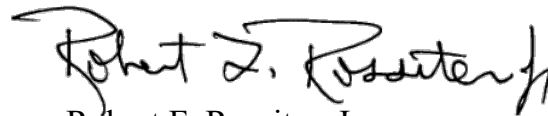
For that reason,

IT IS ORDERED:

1. Defendant Karre Christine O'Dell's objections (Filing No. 51) are overruled.
2. The magistrate judge's Findings and Recommendation (Filing No. 46) is accepted.
3. O'Dell's Motion to Suppress (Filing No. 29) is denied.

Dated this 5th day of December 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge